

Folder: Smart Murder Trial
Source: Derry News

Item:

Date: 5/22/91

Derry News, May 22, 1991

Smart due in court today to ask judge for new trial

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Pamela Smart, convicted March 22 and currently serving a life sentence for aiding and planning her husband's death, will be back in court this morning to ask Rockingham County Superior Court Judge Douglas Gray for a new trial.

Gray was the judge who presided over the Smart trial in March, when the 23-year-old widow was convicted of accomplice to first-degree murder, conspiracy to commit murder and witness tampering. Immediately after the verdict was rendered by the jury, Gray sentenced Smart to serve life in prison without parole on the accomplice conviction. She has

since been sentenced to the maximum penalties on the other two convictions.

Defense attorneys Paul Twomey and Mark Sisti filed a motion May 6 on behalf of Smart asking for a new trial. They claim they were not provided with all the information about the arrangements made by the state; a juror was said to have reached a foregone conclusion that Smart was guilty before the trial began; and one juror was said to have been out to a club the first evening of deliberations and was exposed to conversation about the case.

According to a motion, the prosecution repeatedly refused to disclose information about the state's arrangements with

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the mother of Patrick Randall, the Seabrook teenager who admitted to holding 24-year-old Gregory Smart's head in place while his friend fired a fatal bullet to the back of his head.

Patricia Randall allegedly tried to conceal evidence from police while her son and two friends involved in the murder tried to get away from police before they were arrested last June. As part of her son's plea bargain with the state, she was offered immunity from punishment. He, on the other hand, was to receive a reduced jail sentence for testifying against Smart.

Twomey and Sisti said state-appointed defense attorneys Lynn Aaby and James Moir informed them of the agreement Randall had with the state.

"The willfull withholding of exculpatory evidence under the circumstances described above requires that the judgment of

conviction in the...case be vacated and that the accused be granted a new trial," reads the motion.

Moreover, Smart's attorneys are asking for a new trial because an original juror candidate who was dismissed during the initial proceedings heard another candidate, who was later selected as a juror, say she thought Smart was guilty. The candidate wrote a letter, dated April 8, to the defense and prosecuting attorneys and Twomey and Sisti are asking that the court order the person to identify themselves.

The third motion requested the court to reassemble the jurors so that they could be sequestered and interviewed about their whereabouts the first night of deliberations during the March trial. Smart's parents, Linda and John Wojas, said they had received a phone call that a juror had been out to a club and been exposed to talk of the trial.